



# Activity Review

## North Carolina State Board of Certified Public Accountant Examiners

1101 Oberlin Road, Suite 104 • PO Box 12827 • Raleigh, NC 27605 • 919-733-4222 • No. 8-2007

### Is Your Firm's Web Site in Compliance with Board Rules?

Many North Carolina CPA firms now have web sites, but some CPA firms may not be aware that the Board considers a CPA firm's web site as a form of advertising, and as such, the web site must comply with 21 NCAC 8N.0306, *Advertising or Other Forms of Solicitation*.

21 NCAC 8N.0306(d) states, "Any CPA or CPA firm offering to or performing professional services via the Internet shall include the following information on the Internet:

- (1) CPA business or CPA firm name;
- (2) principal place of business;
- (3) the business phone; and
- (4) North Carolina certificate number and North Carolina as state of certification."

In addition, a CPA or CPA firm can offer or perform professional services via the Internet only in the exact name of the CPA firm as registered with the Board [21 NCAC 8N.0306(c)].

Although the Board allows a CPA firm's web site to provide a description of a CPA's position within the firm or his or her professional experience, the Board limits the information that can be provided on unlicensed staff.

In a December 2001 Declaratory Ruling (*Activity Review* No. 4-2002),

the Board concluded that unlicensed staff, if listed on the CPA firm's web site, must be listed in a separate section from the licensed staff.

The section for unlicensed staff must be clearly titled in such a way that the public will not be misled into believing that those staff members are licensed by this Board, or are otherwise authorized to render professional services without the supervision of an individual licensed by the Board.

In regard to an unlicensed staff member, the Board ruled that on the firm's web site, a firm can only include the unlicensed staff member's name, his or her position title, the firm's business address, and the staff member's telephone number, fax number, and e-mail address.

Résumé-type information for an unlicensed staff member cannot be included on the firm's web site.

If your firm has a web site or is developing a web site, it is important to ensure that your web site is in compliance with the Board's rules and guidance on advertising, and that the information on the web site is up-to-date and accurate.

If you have questions regarding your firm's web site, please contact the Board's Executive Director, Robert N. Brooks, by e-mail at [rbrooks@nccpaboard.gov](mailto:rbrooks@nccpaboard.gov).

### Developing a Practice Continuation Plan

No one likes to think about it, but we are all subject to illnesses and injuries, some of which can disable us for months or years.

What would happen to your firm if you were unable to work for an extended period of time? What would happen to your firm if you were permanently disabled and never able to return to work? What would happen to your firm if you died?

A practice continuation plan (PCP) can prove to be invaluable to a CPA firm in ensuring the firm's continued operation in the event of the retirement, disability, or death of key personnel.

A 2004 succession planning survey by the AICPA indicated that more

**Practice Continuation Plan**  
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[www.nccpaboard.gov](http://www.nccpaboard.gov)

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# Amended Consent Judgment

**NORTH CAROLINA**

**WAKE COUNTY**

**IN THE GENERAL COURT OF  
JUSTICE**

**SUPERIOR COURT DIVISION  
04 CVS 8013**

**NORTH CAROLINA STATE  
BOARD OF CERTIFIED PUBLIC  
ACCOUNTANT EXAMINERS,  
PLAINTIFF**

*v.*

**BRUCE A. RAINS, DEFENDANT**

*THIS MATTER COMING ON & BEING  
HEARD* Before the Undersigned Superior  
Court Judge Presiding at the June 11, 2007  
term of court; and

*IT APPEARING* to the Court that the Defen-  
dant has been properly served with pro-  
cess in this action, that he has submitted to  
the jurisdiction of this Court; and it further  
appearing that the parties have previously  
consented to the signing and entry of this  
Judgment; and

*IT FURTHER APPEARING* that the parties  
have presented consented to the signing  
and entry of this Amended Consent Judg-  
ment;

*THEREFORE*, the Court makes the follow-  
ing:

## **FINDINGS OF FACT**

1. Plaintiff, the North Carolina State Board of Certified Public Accountant Examiners ("CPA Board") an independent agency of the State of North Carolina, is organized under the provisions of Chapter 93 of the General Statutes of North Carolina and is charged with such duties and exercises such powers as are provided therein.
2. The Defendant, Bruce A. Rains, is a citizen and resident of New Hanover County, NC.
3. Chapter 93 of the North Carolina General Statutes creates the CPA Board in order to, among other things, regulate the use of the title "Certified Public Accountant" in North Carolina. This action is brought under the provisions of G.S. §§ 93-3, 93-6, and 93-12(16).
4. G.S. § 93-1(a)(3) defines "Certified Public Accountant" as a person who holds a certificate as a certified public accountant is-

sued to him under the provisions of this Chapter.

5. Defendant does not now, nor has he ever held a license as a Certified Public Accountant in North Carolina.

6. Defendant was licensed as a Certified Public Accountant in Georgia prior to June 17, 1996.

7. On June 17, 1996, Defendant voluntarily surrendered his CPA license with the Georgia State Board of Accountancy in order to dispose of disciplinary proceedings pending regarding his licensure.

8. The current status of Defendant's license in Georgia is revoked.

9. On February 3, 2000, Defendant signed a Cease and Desist Order with the CPA Board, wherein the Defendant agreed to immediately cease and desist the use of the designation "CPA" and identify himself and his firm only as accountant and accounting firm.

10. The Cease and Desist Order specifically referenced that Defendant had allowed his name to appear on letterhead, business cards, and business checks, which identified him as a "CPA" when, in fact, neither he nor his firm were licensed as such.

11. On July 28, 2003, Defendant mailed a solicitation to Robert E. Thompson, Jr. of Wilmington, including a solicitation and résumé.

12. The solicitation included a flyer for Bruce A. Rains, MBA, CPA stating that, "We are a full service CPA firm."

13. The solicitation also included a résumé for "Bruce A. Rains, MBA, CPA."

14. The résumé referenced in paragraph 13 above states that Defendant has experience as "owner and operator of a CPA firm since 1986 both in Atlanta, GA and Wilmington, NC."

15. Defendant is listed as a registered agent for several North Carolina Corporations.

16. In the filings with the Secretary of State Corporations division, Defendant is listed as follows:

- a. Do it All Construction, formed 2/11/2003 lists the registered agent as Bruce A. Rains, MBA, CPA;
- b. Trendora Capital Investments, Inc., formed 11/17/2003 lists the registered agent as Bruce A. Rains, MBA, CPA;
- c. The Old Goat's Shop, Inc., formed 8/30/2002 lists the registered agent as Bruce A. Rains, MBA, CPA;

d. Cook Hamilton Enterprises, Inc., formed 11/15/2001 lists the registered agent as Bruce A. Rains, MBA, CPA;

e. Carolina Patio Rooms, Inc. formed 8/30/2001 lists the registered agent as Bruce A. Rains, CPA;

f. Sherwood Consulting Group, Inc., formed 8/7/1998 lists the registered agent as Bruce A. Rains, MBA, CPA;

g. Coral Investments, Inc. formed 10/22/1997 lists the registered agent as Bruce A. Rains, CPA;

17. At the time that each of the corporations listed in paragraph 16 were formed, Defendant was not licensed as a CPA in either Georgia or North Carolina.

18. At the time that each of the corporations listed in paragraph 16 were formed, Defendant was not licensed as a CPA anywhere in the United States.

19. Cook Hamilton Enterprises filed an annual report with the Secretary of State on August 29, 2003.

20. Defendant is listed on that annual report as Bruce A. Rains, MBA/CPA.

21. Defendant signed the annual report filed in 2003 although he was not, in fact, a CPA.

22. Defendant is also the registered agent for Langley Plumbing, Inc.

23. Langley Plumbing, Inc. filed an annual report with the Secretary of State on July 7, 2003.

24. Defendant is listed as Bruce A. Rains, MBA, CPA on that annual report and Defendant signed his name beneath that title, although he was not, in fact, a CPA.

25. Defendant practiced business at 5529 Eastwood Service Lane, Wilmington, NC 28405.

26. The Defendant continued to use the CPA title by listing "Bruce Rains, MBA, CPA" on the sign outside the office building at 5529 Eastwood Service Lane.

27. The Defendant has continued to use the CPA title by advertising "Bruce Rains, MBA, CPA" as a sponsor in the Cape Fear Christmas House newsletter of July 2002.

28. On October 21, 2004, the parties signed a Consent Judgment.

29. With regard to the Consent Judgment, Defendant did supply the Plaintiff with a client list, but the list was incomplete.

30. Specifically, the client list provided to the Plaintiff by Defendant does not list

Commercial Appliance Service and Sales, Inc.

31. On May 11, 2005, Rebecca Edney, Office Manager of Commercial Appliance Service and Sales, Inc. wrote to the Plaintiff indicating that Defendant had represented himself to Commercial Appliance Service and Sales, Inc. as a CPA and that he had been responsible for "running balance sheets as of December 2004 and the first quarter of 2005. He prepared both business and personal 2004 taxes for Mr. Boozer and Commercial Appliance and signed his name on all forms with the initials CPA on the 'Title' line."

32. The continued representation by Defendant that he is a Certified Public Accountant is in open defiance of the Court's order and is willful and without just cause or excuse.

33. With regard to the Consent Judgment, Defendant agreed in October to provide notice to telephone companies publishing a directory where Defendant or Defendant's firm is listed as a CPA or Certified Public Accountant.

34. As of May 2005, Defendant was still listed under the Certified Public Accountants portion of the Yellow Pages directory for the Wilmington area.

35. This continued representation by Defendant that he is a Certified Public Accountant is in open defiance of the Court's order and is willful and without just cause or excuse.

36. With regard to the Consent Judgment, Defendant submitted an invoice from the *Wilmington Star-News* that indicated the advertisement had been printed April 2, 2005. Defendant did not provide the actual advertisement that had purportedly appeared in the paper. The invoice appeared to be altered and the Plaintiff asked for either another copy of the invoice that had not been redacted; or, the actual newspaper section from the *Wilmington Star-News* that contained the 1/2 page ad. The Plaintiff further offered that if the newspaper was not available, that Defendant may provide a notarized statement from the *Wilmington Star-News* as to the content of the ad.

37. On April 20, 2005, Defendant submitted a letter, rather than an affidavit, to the Board that was purportedly signed by an unidentified "Advertising Manager" for the *Wilmington Star-News*. The letter confirmed that Defendant had placed the advertisement required by the Consent Judgment. The signature appears to be simply the initials "BR" and was notarized by Margaret Clemmons.

38. On May 16, 2005, Margaret Clemmons, Notary Public, submitted an Affidavit to the Plaintiff that stated in relevant part that she is employed as a Legal Assistant in a law office located in the same building with Defendant.

39. Ms. Clemmons further affirmed that Defendant personally appeared before her on April 22, 2005, whereby she witnessed and notarized *his* signature on a document that he said he had prepared for the *Star-News*.

40. Ms. Clemmons further affirmed that she was not asked at any time, nor has she notarized a document on behalf of the *Star-News*, nor did she witness the signature of anyone who was known to her to be an employee or the Advertising Manager of the *Star-News*.

41. On May 18, 2005, David Caulkins of the *Wilmington Star-News* wrote to Plaintiff indicating that the affidavit submitted by Defendant did not originate from the *Star-News*.

42. Mr. Caulkins also stated that the paper did not have any record of an advertisement containing the statement that "affidavit" submitted on April 20, 2005 referenced.

43. Mr. Caulkins further stated that the paper uses standard affidavits of publication and employs several Notary Publics on their staff, of which Margaret Clemmons is not one. This standard affidavit of publication was also included with the letter.

44. Defendant's actions with regard to the placement of the advertisement are in open defiance of this Court's order and is willful and without just cause or excuse.

*BASED UPON THE FOREGOING Findings of Facts, the Court makes the following:*

### **CONCLUSIONS OF LAW**

1. Chapter 93 of the North Carolina General Statutes creates the Board to, among other things, safeguard life, health, and property, and to regulate the use of the title "Certified Public Accountant" in North Carolina. This action is brought under the provisions of G.S. §§ 93-3, 93-4, 93-5, 93-6, 93-8 and 93-12(16).

2. This Court has jurisdiction and venue over the parties and this matter.

3. G.S. §93-3 prohibits the unauthorized use of the title "certified public accountant" by an individual as follows:

It shall be unlawful for any person who has not received a certificate of qualification admitting him to practice as a certified public accountant to

assume or use such a title, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that the person using same has been admitted to practice as a certified public accountant.

4. G.S. §93-4 prohibits the unauthorized use of the title "certified public accountant" by a firm as follows:

It shall be unlawful for any firm, copartnership, or association to assume or use the title of certified public accountant, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that the members of such firm, copartnership or association have been admitted to practice as certified public accountants, unless each of the members of such firm, copartnership or association first shall have received a certificate of qualification from the State Board of Certified Public Accountant Examiners admitting him to practice as a certified public accountant.

5. G.S. §93-5 prohibits the unauthorized use of the title "certified public accountant" by a corporation as follows:

It shall be unlawful for any corporation to assume or use the title of certified public accountant, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that such corporation has received a certificate of qualification from the State Board of Certified Public Accountant Examiners admitting it to practice as a certified public accountant.

6. G.S. §93-6 provides that it is unlawful for any person to engage in the public practice of accountancy in this State who is not a holder of a certificate as a certified public accountant issued by the CPA Board, unless such person uses the term "accountant" and only the term accountant in connection with his name on all reports, letters of transmittal, or advice, and on all stationery and documents used in connection with his services as an accountant, and refrains from the use in any manner of any other title or designation in such practice.

7. G.S. §93-8 provides that it is unlawful for any certified public accountant to engage in the public practice of accountancy in this State through any corporate form, except as provided in General Statutes Chapter 55B.

**Rains**  
*continued on page 4*



## Rains *continued from page 3*

8. Pursuant to G.S. §93-12(16), the CPA Board has the following powers and duties:

To apply to the courts, in its own name, for injunctive relief to prevent violations of this Chapter or violations of any rules adopted pursuant to this Chapter. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke injunctive relief under this subdivision.

IT IS THEREFORE ORDERED that the Defendant ought to be and is hereby PERMANENTLY ENJOINED from:

1. Using the term "certified public accountant" or using any words, letters, abbreviations, symbols or other means of identification to indicate that he has been admitted to practice as a certified public accountant, until such time, if any, as the CPA Board may issue to Defendant a certificate under the provisions of Chapter 93 of the North Carolina General Statutes. This order shall not prohibit the Defendant holding himself out as an "accountant" as that term is defined in G.S. §93-1(a) (1) and from obtaining a privilege license as required by G.S. §105-41 to practice as an "accountant" and only an "accountant." Consistent with this provision, Bruce A. Rains shall immediately:

a. Destroy or erase any signs, papers, documents, audio or video tapes and any and all other tangible items by which he identifies himself as a Certified Public Accountant and or his firm as a CPA firm;

b. Provide the Board with a complete list of the names, addresses and telephone numbers of all present and former clients of the Defendant and Defendant's firm. From the date of this Consent Judgment, he shall provide such list to the Board every six (6) months;

c. Provide proof to the Board that he notified all telephone companies which publish a directory listing Defendant and/or his firm as a CPA or Certified Public Accountant to disconnect and discontinue, without rollover to a new telephone number, any telephone number under which either Defendant or Defendant's firm is listed as a CPA or Certified Public Accountant;

d. Disconnect and discontinue any telephone, cellular telephone, facsimile number, e-mail address, or website used by Defendant which identified Defendant as a CPA or Certified Public Accountant;

e. Provide proof to the CPA Board that he gave written notice to the North Carolina Secretary of State that Bruce A. Rains is not a licensed Certified Public Accountant and that any references to or listings of him and/or his firm as a CPA, Certified Public Accountant should be removed, with a copy of such notice provided to the CPA Board;

f. Acknowledge that the Board may place this ad in the *Wilmington Star* newspaper at its expense, but with full control of the content, which shall reflect the Consent Judgment and Amended Consent Judgment entered in this case; and

g. Concurrent with the execution of this Consent Judgment agree to payment of \$29,767.87 plus interest at the legal rate of interest of eight per cent (8%) per year to the CPA Board for costs incurred in this action; it is understood and agreed that Defendant shall make such payments on a monthly schedule of at least \$1,250.00 per month, but Defendant may prepay the amount in whole or part without penalty, fee or charge. Defendant shall make such payment on or before the 5<sup>th</sup> day of each month, beginning 5 July 2007. Checks shall be payable to the North Carolina State Board of Certified Public Accountant Examiners, and mailed or delivered to 1101 Oberlin Road, Raleigh NC, 27605;

h. From the date of this Amended Consent Judgment, Defendant will provide Plaintiff with a copy of all tax returns, annual reports, financial statements and other documents that Defendant prepares for the clients who are listed in Paragraph 1b above. Plaintiff agrees to hold such documents as confidential investigative docu-

ments and not as public records under G.S. Chapter 132.

2. The Superior Court of Wake County, North Carolina shall retain jurisdiction for and limited to the purposes of enforcing this Consent Judgment, and the defendant shall therefore submit to the jurisdiction of this Court if future issues of compliance with this Consent Judgment arise.

3. Any violation of this Judgment shall be deemed contempt of court and shall be punishable by both the civil and criminal contempt powers of this Court upon proper showing under the Tenth District Rules of Court for calendaring temporary restraining orders.

4. Based on the Court's review of this file and the agreement of the parties, any future violation of this Amended Consent Judgment shall be punishable by a fine of \$5,000 and ten (10) days in the Wake County jail for each violation.

5. In addition, in the event that Defendant violates this Amended Consent Judgment, then the CPA Board may avail itself to all remedies provided by law or equity. In the event of a motion to enforce this Consent Judgment, and the CPA Board being the prevailing party, the CPA Board shall be entitled to an award for court costs and attorney fees as awarded by the Court.

Entered into this 28 day of June, 2007.

J.B. ALLEN, Presiding Judge

We Consent:

BRUCE A. RAINS

NORTH CAROLINA STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

### Exam Fees

*Effective for all Exam applications postmarked on or after August 1, 2007.*

| Section | AICPA Fee | NASBA Fee | Prometric Fee | Security Fee | Total*   |
|---------|-----------|-----------|---------------|--------------|----------|
| AUD     | \$80.00   | \$18.00   | \$107.33      | \$4.00       | \$209.33 |
| FAR     | \$80.00   | \$18.00   | \$95.40       | \$4.00       | \$197.40 |
| REG     | \$80.00   | \$18.00   | \$71.55       | \$4.00       | \$173.55 |
| BEC     | \$80.00   | \$18.00   | \$59.63       | \$4.00       | \$161.63 |

\*Total does not include the Board's administrative fees. Initial Exam applicants must pay a \$230.00 administrative fee regardless of the number of sections (one, two, three, or four) for which they are applying. Re-Exam applicants must pay a \$75.00 administrative fee regardless of the number of sections (one, two, three, or four) for which they are applying.

## Certificates Issued

At its July 23, 2007, meeting, the Board approved the following applications for licensure:

Torrell Maurice Armstrong  
Jennifer Mertes Ash  
John Michael Banks  
Rui-ru Bao  
Kelly Elizabeth Barnes  
Barry Shayne Beasley  
Ralph Michael Behringer  
Anthony Patrick Belcastro  
Christiana Judith Bondi  
Roselyn Afua Bonse  
Terry Lynn Bowling  
Erica L. Brown  
Nancy Mac Brown  
Anna Elizabeth Carr  
Jamie Cheung  
Frank Erickson Ciszek  
Steven L. Cook  
Richard Francis Cornetta  
Yongmei Liu Culliney  
George Gregory Damron, Jr.  
Teresa Maher DeHart  
Huy H. Dinh  
Adam Kyle Ennis  
Christine FitzWilliam Essey  
Sameh George Francis  
Gary Freundlich  
Bradley Griffin Garner  
Dana Leigh Garrett  
Robert Charles Gibson  
Keith Allen Gindoff  
Valerie J. Goodwill  
Avery Eugene Gray  
Leslie Caton Helms  
Evelyn J. Hickman  
Robert Jutzi Howell  
John D. Huneycutt  
Brett Farrell Jones  
Caryn Elizabeth Kauffman  
David C. Kim  
Marie Caroline Knobloch  
Ericka Michelle Krzyzaniak  
R. Michael LaBounty  
Jon Wesley Lancaster  
Hillary Helen Larson

Alex Lehmann  
Shaomin Li  
Samuel Anthony Maclin  
Meghan Elizabeth Metzler  
Lauren Smith Mitchell  
Shanna Farmer Morales  
Michael Christian Murray  
Anne Nicole Napier  
Emily Chau Nguyen  
Christina C. Nordvall  
Afolabi Mojibola Ojumu  
T. Peter Oke-Bello  
Brett Allen Paduch  
Jagruiti Patel  
Mary Anne Prascak  
Erin Elizabeth Puls  
Michael P. Richard  
Lois Michelle Rogers  
Scott Dustin Rogers  
Jennifer Wildt Ross  
Carolyn Rosa Ryals  
Shelley Duncan Scanlon  
Candace Lynn Scappator  
Carolyn Diane Schabinger  
April Shavonne Sherman  
Jose Miguel Simon  
James Edward Sinopole  
Christopher Bruce Spain  
Yvonne Faye Sullivan  
Jeff Swartzbeck  
Jeffery Chad Swicegood  
Binh My Tang  
C. Diane Tedder  
Jared Michael Titzer  
Cecely Lorrene Tucker  
Joseph Vincent Turchetti  
Hope Gower Tyndall  
Rebecca Judy Vandevander  
Anna Cole Vernon  
Kristen Tofil Vitello  
Matthew Paul Webb  
Svetlana Yarmak Wolfe  
Margaret H. Wood

## Practice Continuation Plan

*continued from front*

than 80% of CPA firms do not have a documented practice continuation plan in place.

Although the specifics of a practice continuation plan will vary from CPA firm to CPA firm, all CPA firms should have a well-thought out, documented practice continuation plan in place.

The AICPA's Private Companies Practice Section (PCPS) offers a variety of succession planning resources on its web site, <http://pcps.aicpa.org/>.

Other resources available on-line include the February 2005 *Journal of Accountancy* article, "Succession Planning Dos and Don'ts," ([www.aicpa.org/PUBS/jofa/feb2005/dennis.htm](http://www.aicpa.org/PUBS/jofa/feb2005/dennis.htm)); the August 2004 *Journal of Accountancy* article, "Who Will Take the Reins?" ([www.aicpa.org/PUBS/jofa/saug2004/wein.htm](http://www.aicpa.org/PUBS/jofa/saug2004/wein.htm)); and the September 2003 *Journal of Accountancy* article, "Have a Fallback Plan," ([www.aicpa.org/PUBS/jofa/sep2003/telberg.htm](http://www.aicpa.org/PUBS/jofa/sep2003/telberg.htm)).

If you have questions regarding the development of a practice continuation plan for your firm, please contact your attorney or your professional liability insurance carrier.

### Licensing Fees Effective July 1, 2007

Effective July 1, 2007, the fees for the following certificate applications increased from \$75 to \$100:

- original certificate;
- original certificate via IQEX;
- reciprocal certificate;
- reciprocal certificate with temporary permit;
- reissuance of certificate;
- reinstatement to active status from inactive status; and
- reinstatement to active status from forfeited status.

The \$100 fee applies to applications postmarked or received on or after July 1, 2007.

## Disciplinary Action

**Stephen M. Strader, #29477**  
**Fuquay-Varina, NC 07/23/2007**

*THIS CAUSE*, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 29477 as a Certified Public Accountant. Respondent is an individual practitioner and is subject to peer review requirements.

2. Respondent engaged a CPA firm to perform a peer review of Respondent's firm.

3. The CPA firm performed the peer review and issued the peer review report dated August 31, 2006.

4. Despite the fact that the CPA firm invoiced Respondent on at least four (4) occasions requesting payment of the peer review, Respondent did not pay the invoices nor did Respondent advise the CPA firm as to why no payment was made.

5. Upon receiving correspondence from the Board regarding the CPA firm's complaint concerning Respondent's failure to pay the CPA, Respondent paid the peer review fee approximately six months after the initial invoice.

6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board meeting.

*BASED UPON THE FOREGOING*, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and

Conduct promulgated and adopted therein by the Board.

2. Respondent's actions as set out above constitute violations of NCGS 93-12(9)e and 21 NCAC 8N .0203(a) and .0203(b)(4).

*BASED ON THE FOREGOING* and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent is censured.

## 2007 Board Meetings

September 19

October 18

November 19

December 19

Meetings of the Board are open to the public except, when under State law, some portions may be closed to the public.

Unless otherwise noted, meetings are held at the Board office at 1101 Oberlin Road, Raleigh, and begin at 10:00 a.m.

## Reclassifications

### Reissuance

|          |                        |        |
|----------|------------------------|--------|
| 07/23/07 | James Monroe Best, III | #18564 |
| 07/23/07 | Joseph Eric Hanel      | #17015 |
| 07/23/07 | Keith Horton           | #28263 |
| 07/23/07 | Lewis James Simmons    | #22023 |
| 07/23/07 | Ann Marie White        | #16097 |

### Reinstatements

|          |                          |        |
|----------|--------------------------|--------|
| 07/23/07 | Heyward Dubose Armstrong | #27600 |
| 07/23/07 | Bruce Talmage Benton     | #4307  |
| 07/23/07 | John Holmes Berngartt    | #19366 |
| 07/23/07 | Anthony Grayson Chavonne | #11706 |
| 07/23/07 | Joel Andrew Good         | #25863 |
| 07/23/07 | Nicole Johnson Hinton    | #24997 |
| 07/23/07 | Carol Riggs Johnson      | #27755 |
| 07/23/07 | Jessica Lynn Kirkman     | #26053 |
| 07/23/07 | Daniel W. Mirabito       | #25831 |
| 07/23/07 | Teresa Galloway Rhodes   | #8633  |
| 07/23/07 | Julia Tauras             | #25043 |
| 07/23/07 | Mark Andrew Whitaker     | #14134 |

### Retired

"Retired," when used to refer to the status of a person, describes one possessing a North Carolina certificate of qualification who verifies to the Board that the applicant does not receive or intend to receive in the future any earned compensation for current personal services in any job whatsoever and will not return to active status. However, retired status does not preclude volunteer services for which the retired CPA receives no direct or indirect compensation so long as the retired CPA does not sign any documents, related to such services, as a CPA [21 NCAC 08A .0301(b)(33)].

|          |                         |        |                   |
|----------|-------------------------|--------|-------------------|
| 07/23/07 | Hugh Brian Smith        | #21705 | Cowpens, SC       |
| 07/23/07 | Douglas Alan Stephenson | #9007  | Isle of Palms, SC |
| 07/23/07 | Irene Fogleman Townsend | #14624 | Wilmington, NC    |



## Inactive Status

“Inactive,” when used to refer to the status of a person, describes one who has requested inactive status and been approved by the Board and who does not use the title “certified public accountant” nor does he or she allow anyone to refer to him or her as a “certified public accountant,” and neither he nor she nor anyone else refers to him or her in any representation as described in 21 NCAC 08A .0308(b) [21 NCAC 08A .0301(b)(21)].

### 06/25/07

|                          |       |                  |
|--------------------------|-------|------------------|
| Jeannie L. Atkins        | 26393 | Lewisville, NC   |
| Patrick C. Beach         | 28345 | Cary, NC         |
| Michael Andrew Cox       | 29794 | Smyrna, GA       |
| Wendy Ellen DePauw       | 24057 | Strongsville, OH |
| Amy Sanders Hendren      | 32033 | Zebulon, NC      |
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| Taylor Franklin Teague   | 30133 | Greensboro, NC   |
| Tricia Kornegay Watson   | 11009 | Cary, NC         |
| Elizabeth Batchelor West | 16059 | Montgomery, AL   |

### 06/27/07

|                         |       |                 |
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| Laura Johnson Risey     | 29126 | Charlotte, NC   |
| James Howard Scheiner   | 9671  | Deland, FL      |
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| James Christopher Boone      | 14660 | Charlotte, NC     |
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| Adrain Lambert Bryant        | 29041 | Halifax, NC       |
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| Benjamin Ira Rogers          | 28809 | Charlotte, NC     |
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| Margaret Stark Worthington   | 28037 | Agoura Hills, CA  |
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